

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS. 8241, 9176, 9356 & 25557 OF 2013

AND

M.P. NOS. 2 OF 2013

- K.Meenakshi ...Petitioner in WP 8241/2013
1. V.Rajagopal
2. K.Balakrishnan ...Petitioners in WP 9176/2013
1. P.Sukumar
2. R.Kuppusamy
3. R.Gunasekaran ...Petitioners in WP 9356/2013
1. N.Rathinam
2. V.Loganathan
3. R.K.Shree Ramanathan
4. P.Subramanian ...Petitioners in WP 25557/2013
- Vs -
1. The Secretary to Government
Revenue Department
Fort St. George, Chennai - 9. ...1st Respondent in all WPs.
2. The Principal Secretary-cum-Principal
Commissioner of Revenue Administration,
Disaster Management and Mitigation Department,
Government of Tamil Nadu,
Ezhilagam, Chepauk, Chennai-5. ...2nd Respondent in WP.25557/2013
3. The District Collector
Namakkal District, Namakkal. ...3rd Respondent in all WPs.
...RR-1 to 3 in all the petitions
4. P.Sukumar
5. R.Kuppusamy
6. R.Gunasekaran ...RR-4 to 6 in WP 25557/2013
7. The Principal Secretary
Cum Principal Commissioner of
Revenue Administration,
Ezhilagam, Chepauk, Chennai-5...2nd Respondent in WP.9176/2013
WP.8356/2013
WP.8241/2013

W.P. No.8241 of 2013 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the 3rd respondent in connection with the impugned orders passed by him in Roc. No.18617/2012/A2 dated 4.2.13 and Roc. No.28617/2012-I/A2 dated 4.2.13 deleting the name of the petitioner in the list of Deputy Tahsildar panel for the year 2006 and including the name of the petitioner in the panel of Deputy Tahsildar in the year 2008 by issuing a Notification and quash the same and restore the petitioner's name in the panel of the Deputy Tahsildar for the year 2006 and also for Tahsildar for the year 2012.

W.P. No.9176 of 2013 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the 3rd respondent in connection with the impugned orders passed by him in Roc. No.18617/2012/A2 dated 4.2.13 and Roc. No.28617/2012-I/A2 dated 4.2.13 deleting the name of the petitioner in the list of Deputy Tahsildar panel for the year 2008 and including the name of the petitioner in the panel of Deputy Tahsildar in the year 2009 and 2010 by issuing a Notification and quash the same and restore the petitioner's name in the panel of the Deputy Tahsildar for the year 2008 and grant them all consequential service and monetary benefits.

W.P. No.9356 of 2013 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the 3rd respondent in connection with the impugned orders passed by him in Roc. No.18617/2012/A2 dated 4.2.13 and Roc. No.28617/2012-I/A2 dated 4.2.13 deleting the name of the petitioner in the list of Deputy Tahsildar panel for the year 2007 and including the name of the petitioner in the panel of Deputy Tahsildar in the year 2008 and 2009 by issuing a Notification and quash the same and restore the petitioner's name in the panel of the Deputy Tahsildar for the year 2007 and also to further promote the petitioners as Tahsildars in pursuance of the Tahsildar list drawn for the year 2012 in Namakkal District and grant them all consequential service and monetary benefits.

W.P. No.25557 of 2013 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order in N.J.22538/2013 (A2) dated 11.6.2013 passed by the 3rd respondent and quash the same and consequently direct the respondents to implement/to give effect to the list of Deputy Tahsildars for the year 2006 from the respective date

according to the original seniority redrawn on 4.2.13 for Namakkal District within a reasonable time to be fixed.

For Petitioners: Mr. K.Venkataramani, SC, for
Mr. M.Muthappan in WP Nos.8241,
9176 and 9356/2013
Mr. R.Neelakandan in WP No.25557/13

For Respondents: Mr. Ms.Thangavadhana Balakrishnan, AGP
for RR-1 to 3 in all petitions
Mr. K.Venkataramani, SC, for
Mr. M.Muthappan for RR-4 to 6
in WP 25557/13

COMMON ORDER

The petitioners in the respective petitions have sought quashment of the impugned order and further prayed this Court to direct the respondents to include the name of the petitioners in the panel for the respective years, as stated in the writ petition, and to restore their seniority in the panel and to grant them consequential promotion with all service and monetary benefits.

2. It is the case of the petitioners that they were functioning as Deputy Tahsildars and by the impugned order dated 4.2.13 the name of the petitioners having been deleted from the panel for promotion as Tahsildars for the respective year, against the said order, the present petitions have been preferred for the relief stated supra.

3. Learned senior counsel appearing for the petitioners submit that the issue raised in the writ petition is no longer res integra as the dispute relating to inter se promotion between direct recruits and promotees, both graduate and non-graduates, has been settled by the decision of the Hon'ble Supreme Court in the case of A.Rajagopalan, etc. - Vs - The District Collector, Tiruchirappalli District & Ors. (C.A. Nos. 251-256 of 2015, etc. - Dated 12.03.2019). Therefore, it is submitted that this Court may issue a direction to the respondents to implement the order of the Hon'ble Apex Court in Rajagopalan's case.

4. Learned Special Government Pleader appearing for the respondents, while concurred with the submissions of the learned senior counsel that the issue stands settled by the decision in Rajagopalan's case (supra), however submitted that this Court may direct the respondents to implement the said orders and grant the benefits to the persons who would stand eligible in

terms with the decision of the Hon'ble Apex Court, if applicable to them.

5. In Rajagopalan's case (supra), the Hon'ble Apex Court, while considering the dispute relating to inter se promotion between direct recruits and promotees, both graduates and non-graduates, held as under :-

"19. In the result, the impugned judgement of the High Court is set aside and these appeals are allowed with the following observations and directions:-

(i) Promotions of the Direct recruit Assistants effected between 07.02.1995 and 08.04.2009 and their seniority in their respective positions as on date, shall not be disturbed;

(ii) The benefit extended to the graduate promotee Assistants by placing them on par with Direct recruit Assistants is to be given effect to prospectively from the date of judgment of this Court dated 08.04.2009 rendered in the case of M.Rathinaswami - Vs - State of T.N. reported in (2009) 5 SCC 625;

(iii) After 08.04.2009, the promotion to the post of Deputy Tahsildar from its feeder category, i.e., Direct recruit Assistants and Promotee graduate Assistants, shall be strictly in accordance with the judgment of this Court referred above, i.e., treating Promotee graduate Assistants on par with Direct recruit Assistants. Such promotion shall be given effect to, without reference to any interim order(s) passed by the High Court;

(iv) If any panels are prepared, and promotions are given, after 08.04.2009 for promoting the Assistants to the post of Deputy Tahsildars in Tamil Nadu Revenue Subordinate Service contrary to the judgment of this Court dated 08.04.2009, such panels and promotions have to be revised so as to bring in conformity with the judgment of this Court referred above;

(v) By virtue of the judgment of this Court dated 08.04.2009, referred above, Promotee graduate Assistants are placed on par with Direct recruit Assistants. So far as Promotee non-graduate Assistants are concerned, the amended rule holds the field, which gives preferential treatment to Direct recruit Assistants, over Promotee non-graduate Assistants;

(vi) Promotee non-graduate Assistants, who are impleaded as party respondents in these appeals, are not entitled to any directions in their favour, as much as, all these appeals are preferred by Direct recruit Assistants;

(vii) While implementing the above directions, if the seniority and promotion, of the persons who are already retired or dead, is affected in any manner, payments made on account of such seniority and promotion earlier granted to them during the interregnum period, i.e., from 08.04.2009 till this date shall not be recovered.

(viii) So far as Promotee non-graduate Assistants are concerned, it is open for them to pursue with the Government for appropriate amendment to the Rules, in which event we keep it open to Government to consider such request on its own merits."

6. As fairly conceded by either side, the above decision of the Hon'ble Supreme Court is directly applicable to the case of the petitioners herein. Therefore, it would suffice if the respondents are directed to implement the directions issued by the Hon'ble Supreme Court in Rajagopalan's case (supra) within a particular time frame.

7. Accordingly, these writ petitions are disposed of directing the respondents to implement the directions issued by the Hon'ble Apex Court in Rajagopalan's case (supra) and grant benefits to the petitioners if they are otherwise eligible and if their candidature falls within the ambit of the abovesaid decision, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
Revenue Department
Fort St. George, Chennai - 9.

2. The Principal Secretary-cum-Principal Commissioner of Revenue Administration
Ezhilagam, Chepauk, Chennai - 5.
3. The District Collector
Namakkal District, Namakkal.
4. The Principal Secretary,
Cum commissioner of Revenue Administration,
Disaster Management and Mitigation
Department,
Government of Tamil Nadu,
Ezhilagam, Ch-5.

+1cc to the Government Pleader, S.R.No.33855

W.P. NOS.8241, 9176, 9356
& 25557 OF 2013

KJ(CO)
RV(10/11/2020)
RV(27/11/2020)



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